

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – N/S New Deal Place,
90' NW of Midway Road
(211 Wise Avenue)
12th Election District
7th Councilmanic District

Donna Krause
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-392-SPHA
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Donna Krause, through her attorney, John B. Gontrum, Esquire. The Petitioner requests a special hearing to approve an amendment to the previously approved site plan and Order in prior Case No. 87-195-A to remove Restriction No. 1 thereof and to allow 90 children with 10 employees in lieu of the 80 children, 8 employees granted. In addition to the special hearing relief, the Petitioner requests a variance from Section 409.6.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 0 parking spaces in lieu of the 10 required. The subject property and relief requested are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the request were Donna Krause, property owner, and her attorney, John B. Gontrum, Esquire. There were no Protestants or other interested persons present.

An examination of the site plan reveals that the subject property consists of a gross area of .23 acres, more or less, zoned B.L.-A.S., is improved with a 3,787 sq.ft. building, 40' x 95' in dimension, and a 196 sq.ft. attached shed. Additionally, the site is improved with a macadam lot which is used as a playground. This property was the subject of prior Case No. 87-195-A in which the Petitioner was granted a parking variance of 0 spaces in lieu of the 8 required, by Order issued November 19, 1986 by then Deputy Zoning Commissioner Jean M. Jung. Within Deputy Commissioner Jung's opinion, she noted that Ms. Krause was under contract to purchase the property and planned to establish a day care facility thereon for a maximum of 80 children. The operation would

ORDER RECEIVED FOR FILING

Date

By

be staffed with 8 employees. The day care center, known as Creative Learning and Child Care Center, Inc., was subsequently established and has been operated by Ms. Krause for the past 12 years.

As noted above, the Petition for Variance in that matter was granted; however, several restrictions were imposed on the granting of the relief. First, Commissioner Jung held that the site must be utilized as an owner-operator day care center or the variance would become null and void. Second, she indicated that an adult must escort each child to and from the entrance to the center. Third, Commissioner Jung stated that employees should be encouraged to park their vehicles in locations that leave parking spaces nearest the center's entrance available for drop-off and pick-up of children.

Testimony and evidence presented indicates that the day care center has operated on the site successfully since relief was granted in November, 1986. Although there were no interested persons or Protestants, a letter was received from the Civic League of Inverness indicating that the use of the property has been appropriate and has not caused any detrimental impact to the neighborhood. The letter further indicates support for the present Petition. Additionally, favorable Zoning Plans Advisory Committee (ZAC) comments were received from the Office of Planning which indicate, in part, that there is an appropriate drop-off/pick-up area for children via the service drive off of New Deal Place which abuts the property.

Apparently, Ms. Krause is contemplating retiring from the operation and may sell the business. Thus, she requests an amendment of the prior Order so as to eliminate Restriction No. 1. Ms. Krause believes that this restriction might be onerous in that a potential purchaser is obviously not the Petitioner in the former case and may have others operate the business. Additionally, relief is requested to permit the expansion of the business to a limit of 90 children, with 10 employees, in lieu of the allowed 80 children, 8 employees, respectively. Thus, variance relief is requested to permit 0 parking spaces in lieu of the 10 required. Additional spaces will be required if the number of children is allowed to increase. An actual increase in the extent of the variance by two spaces is proposed. In addition, Ms. Krause would like to replace the existing shed with a new structure, 16' x 12' in dimension, in essentially the same location.

ORDER RECEIVED FOR FILING
7/22/89
[Signature]

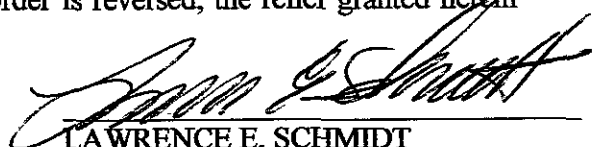
Based upon the testimony and evidence offered, all of which was undisputed, I am persuaded to grant the Petitions. I am particularly impressed by the testimony of Ms. Krause and the fact that this operation has existed at the site for 12 years, apparently without complaint by the neighbors or adverse impacts on the community. To the contrary, it appears that the property and use thereon provide a service and benefit to the residents of this part of Baltimore County. In my judgment, the Petitioner has satisfied the requirements set out in Sections 502.1 and 307 of the B.C.Z.R. for special hearing and variance relief to be granted.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the special hearing and variance relief shall be granted.

22nd THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of July, 1999 that the Petition for Special Hearing to approve an amendment to the previously approved site plan and Order in prior Case No. 87-195-A to remove Restriction No. 1 thereof to permit operation of the day care center by someone other than the property owner, and to allow 90 children with 10 employees in lieu of the 80 children, 8 employees previously granted, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 0 parking spaces in lieu of the 10 required, and to permit the construction of a new shed in essentially the same location, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

July 21, 1999

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
N/S New Deal Place, 90' NW of Midway Road
(211 Wise Avenue)
12th Election District – 7th Councilmanic District
Donna Krause - Petitioner
Case No. 99-392-SPHA

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Donna Krause
211 Wise Avenue, Baltimore, Md. 21222

Mr. Harry Rainier, President, Civic League of Inverness
2 Beach Drive, Dundalk, Md. 21222

People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 211 Wise Avenue

which is presently zoned _____

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

an amended site plan and order in case number 87-195-A to remove restriction number 1; to allow 90 children with 10 employees.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____

Telephone No. _____

City _____

State _____

Zip Code _____

Attorney For Petitioner:

John B. Gontrum

Name - Type or Print _____

Signature _____

Romacka, Gontrum & McLaughlin

Company _____

814 Eastern Blvd (410) 686-8274

Address _____

Telephone No. _____

Baltimore, Maryland 21221

City _____

State _____

Zip Code _____

Legal Owner(s):

Donna C. Krause

Name - Type or Print _____

Signature _____

Name - Type or Print _____

Signature _____

211 Wise Avenue

(410) 551-5075

Address _____

Telephone No. _____

Baltimore, Maryland 21222

City _____

State _____

Zip Code _____

Representative to be Contacted:

Name _____

Address _____

Telephone No. _____

City _____

State _____

Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By uci

Date 4-2-99

DROP OFF

No Review

ORDER RECEIVED FOR FILING

Case No. 99-392-SPHA

REV 9/15/98

Date _____

By _____



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 211 Wise Avenue

which is presently zoned BL-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.6A.4 to permit 0 parking spaces in lieu of 10 required. (Amending Case No. 87-195-A granting 0 in lieu of 8)

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Variance pertains to number of employees not to size of facility. Additional employees enable operation to deliver better service, and site is uniquely situated to usable off-site parking.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

Name - Type or Print

Donna Krause

Name - Type or Print

Signature

Signature

Address

Telephone No.

Name - Type or Print

Signature

211 Wise Avenue (410) 284-8687

Address

Baltimore, MD 21222

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By uc

Date 4-2-99

Attorney For Petitioner:

John B. Gontrum

Name - Type or Print

Signature

Romadka, Gontrum & McLaughlin, P.A.

Company

814 Eastern Boulevard (410) 686-8274

Address

Telephone No.

Baltimore, MD 21221

City

State

Zip Code

Case No. 99-392-5PHA

Date 220 9/15/98

By

DROP OFF

No Review

ORDER RECEIVED FOR FILING

ZONING DESCRIPTION

211 WISE AVENUE

BEGINNING on the northern side of New Deal Place in the 12th election district of Baltimore County at a point 90' northwest of Midway Road and running the following courses and distances N 62 34' W 100.00', S 27 26' W 100.00', S 62 34' E 100', and N 27 27' E 100.00 to the point of beginning

BEING Lots 7-10 as shown on the Plat of Inverness, Block I, recorded among the land records of Baltimore County in Plat Book 10, folio 128.

44-392-SPHA

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **067005**

DATE 4/2/99 ACCOUNT 001-6150

AMOUNT \$ 500.00 (WCR)

RECEIVED FROM: Romadka, Gontrum & McLaughlin

FOR: SPECIAL HEARING & VARIANCE Item 392
211 Wise Avenue Case #99-392-SPIA
Drop-Off No Review

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
PROCESS ACTUAL TIME
4/06/1999 4/06/1999 16:17:39
REG 4803 CASHIER PUES PFW DRAWER 3
MISCELLANEOUS CASH RECEIPT
Receipt # 080889
OR NO. 067005
Receipt Int 500.00
500.00 OK
Baltimore County, Maryland

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **067005**

DATE 4/2/99 ACCOUNT 001-6150

AMOUNT \$ 500.00 (WCR)

RECEIVED FROM: Romadka, Gontrum & McLaughlin

FOR: SPECIAL HEARING & VARIANCE Item 392
211 Wise Avenue Case #99-392-SPIA
Drop-Off No Review

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
PROCESS ACTUAL TIME
4/06/1999 4/06/1999 16:17:39
REG 4803 CASHIER PUES PFW DRAWER 3
MISCELLANEOUS CASH RECEIPT
Receipt # 080889
OR NO. 067005
Receipt Int 500.00
500.00 OK
Baltimore County, Maryland

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/29/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/29/, 1999.

THE JEFFERSONIAN.

S. Welken

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland, on the property identified herein as follows:

Case: #99-382-SHA

2111 Wise Avenue

SWIS Wise Avenue/New Deal Plaza between Wiltona Avenue and Midway Drive

12th Election District - 7th Councilmatic District
Legal Owner(s): Dorina C. Krause

Special Hearing: to approve an amended site plan and order in case number 87-196-A to remove restriction #1 to allow 90 children with 10 employees.

Variance: to permit zero parking spaces in lieu of the 10 required.

Hearing: Thursday, May 20, 1999 at 11:00 a.m. in Room 407, County Courts Bldg., 407 Gossley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4388.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3381.

or the
Barred Link

CERTIFICATE OF POSTING

RE: CASE # 99-392-SPHA
PETITIONER/DEVELOPER:
(Donna C. Krause)
DATE OF Hearing
(May 20, 1999)

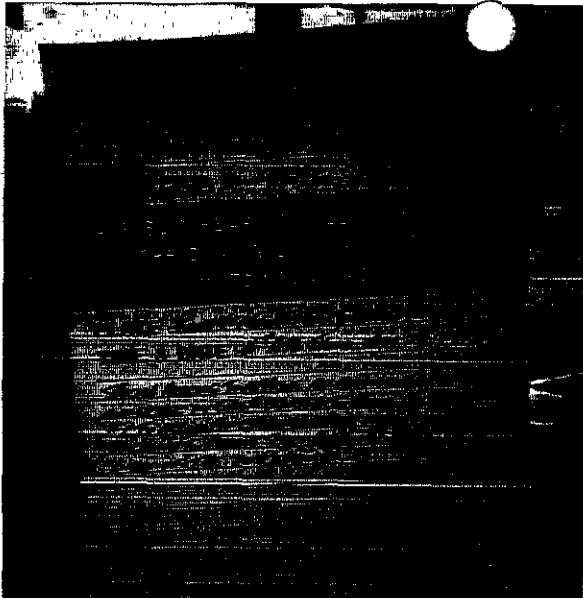
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
211 Wise Ave. Baltimore, Maryland 21222_____

The sign(s) were posted on _____ 5-4-99 _____
[Month, Day, Year]



Sincerely,


[Signature of Sign Poster & Date]

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

____ (410)-687-8405 _____
[Telephone Number]

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
211 Wise Avenue, SW/S Wise Ave / New Deal Place
betw. Winona Ave and Midway Dr, 12th Election
District, 7th Councilmanic

Legal Owners: Donna C. Krause

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-392-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of April, 1999, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esq., Romadka, Gontrum & McLaughlin, 814 Eastern Blvd., Baltimore, MD 21221, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 13, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-392-SPHA

211 Wise Avenue

SW/S Wise Avenue/New Deal Place between Winona Avenue and Midway Drive

12th Election District – 7th Councilmanic District

Legal Owner: Donna C. Krause

Special Hearing to approve an amended site plan and order in case number 87-195-A to remove restriction #1 to allow 90 children with 10 employees. Variance to permit zero parking spaces in lieu of the 10 required.

HEARING: Thursday, May 20, 1999 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: John B. Gontrum, Esquire
Donna C. Krause

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MAY 5, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
April 29, 1999 Issue – Jeffersonian

Please forward billing to:

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, MD 21221

410-686-8274

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-392-SPHA

211 Wise Avenue

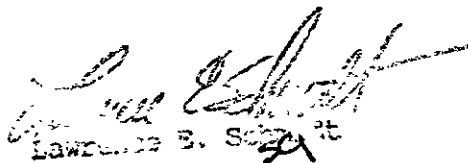
SW/S Wise Avenue/New Deal Place between Winona Avenue and Midway Drive

12th Election District – 7th Councilmanic District

Legal Owner: Donna C. Krause

Special Hearing to approve an amended site plan and order in case number 87-195-A to remove restriction #1 to allow 90 children with 10 employees. Variance to permit zero parking spaces in lieu of the 10 required.

HEARING: Thursday, May 20, 1999 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 2, 1999

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, MD 21221

Dear Mr. Gontrum:

RE: Drop-Off Petition, Case No. 99-392-SPHA, 211 Wise Avenue

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the above, please do not hesitate to contact Sophia Jennings at or myself 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-392-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL HEARING TO APPROVE AN
AMENDED SITE PLAN AND ORDER IN CASE NO.
87-195-A TO REMOVE RESTRICTION #1 TO
ALLOW 90 CHILDREN WITH 10 EMPLOYEES.
VARIANCE TO PERMIT ZERO PARKING SPACES

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

SIN LIEU OF 10 REQUIRED.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 14, 1999

John B. Gontrum, Esq.
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, MD 21221

RE: Case No.: 99-392-SPHA
Petitioner: Donna C. Krause
Location: 211 Wise Avenue

Dear Mr. Gontrum:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on April 2, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



file
5/20

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: April 28, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 211 Wise Avenue

INFORMATION:

Item Number: 392

Petitioner: Donna C. Krause

Zoning: BL-AS

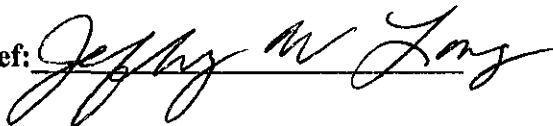
Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The applicant provides daycare in an area of Baltimore County that currently has a shortage of such facilities. The subject property is unique in that the use is improved on property zoned BL-AS. While no off-street parking and drop-off/pick-up areas are provided, a service drive (New Deal Place), situated just off Wise Avenue, provides for staff parking and a drop-off/pick up area.

For the reasons stated above, the Office of Planning supports the applicant's request.

Section Chief:




AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: April 22, 1999

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for April 19, 1999
Item Nos. 380, 383, 385, 387, 389,
390, 391, 392, and 393

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

April 19, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP 1105

RE: Property Owner: DAVID R. PEACOCK AND
CHARLOTTE I. SCOTT - 386
PHOEBE M. DEVOE AND WILLIAM F. AND
NANCY F. DEVOE - 389
DONNA C. KRAUSE (392)
HAZEL V. LAUDENKLOS, TRUST - 390

District Distribution Meeting of April 12, 1999

Item No.: 386, 389, 391, 392 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
2. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 287-4931, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: -----

FROM: R. Bruce Seeley, Project Manager
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date: 4/12/99

The Department of Environmental Protection and Resource Management has
no comments for the following Zoning Advisory Committee Items:

Item #'s: 381
382
384
385
386
387
388
391
392



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4.16.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 392 WCR

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

/s/ Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221

(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

* Also Admitted In the District of Columbia

March 30, 1999

Mr. Carl Richards
Zoning Supervisor
Department of Permits and Development Management
County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

Re: Petitions for Special Hearing to Modify
Order in Case No. 87-195-A; for Variance
Creative Learning

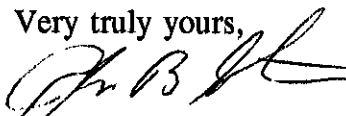
Dear Mr. Richards:

Enclosed are Petitions for Special Hearing and for Parking Variance to be filed on behalf of the Creative Learning Center. The Petitions have previously been reviewed by you along with the site plans, which you have previously reviewed on a couple of occasions with requested modifications. The modifications have been made as requested. It is my understanding that because the site plans were based on previously filed plans and conform with those plans that strict adherence of the requirements in this case is being waived.

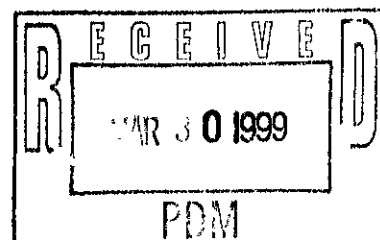
The petitions deal with issues left outstanding in the old zoning case and are an attempt to resolve these issues. The matter has been previously reviewed with Commissioner Schmidt.

There are no outstanding violations on this matter.

Very truly yours,


John B. Gontrum

*Seals on Plans
Waived per
wce*



99.392.SPHA

CIVIC LEAGUE OF INVERNESS
2 BEACH DRIVE
DUNDALK, MARYLAND 21222

May 20, 1999

To Whom It May Concern:

Our Civic League is aware that Creative Learning and Child Care Center, Inc. would like to replace their existing shed with a new shed slightly smaller than the original one. The owner attended our most recent Civic League meeting and explained that her existing shed is grand fathered in at the current place but that, if she tears down the existing shed and replaces it with another, zoning requires her to follow the new alley set backs which would result in the children losing approximately 64 square feet of their playground.

We would like you to know that our Civic League and the neighborhood have no objections to a new shed being constructed in the same place as the existing shed. In fact, we feel the new structure will not only provide a safer environment for the children but will also enhance the appearance of our neighborhood.

If you have any questions, please feel free to contact me at 410 - 284-1309.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry Rainier".

Harry Rainier
President
Civic League of Inverness

99-392-SHA

The last description call is N. 27° 27' E. while the plan shows N. 27° 26' E.

The plan indicated indicates the site is not in CBA. Per the CBA map in this office this site is in ^{the} CBA.

There ^{is} ~~no~~ building ~~use~~ or parking information on the plan. Staff is unable to confirm but if the requested variance is in compliance with required parking.

A class B group child care for not more than 12 children, ~~seems to~~ often requires a zoning public hearing. Other than the variance case # 87-195-A no hearing is shown. Staff cannot comment on issues involving other ^{prior} zoning cases unless the zoning history is complete on the plan

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

DONNA KRAUSE

1402 Cowie St Severd 21144





Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

February 11, 1998

Ms. Donna Krause
Creative Learning and Child Care Center, Inc.
211 Wise Avenue
Baltimore, Maryland 21222

RE: Petition for Zoning Variance
Property: 211 Wise Avenue
Case No. 87-195-A

Dear Ms. Krause:

This is to acknowledge receipt of your letter of February 9, 1998 regarding the above property.

I have reviewed case file No. 87-195-A, which has been stored on the County's microfilm records. An examination of that file discloses that the case was opened for a Petition for Variance to permit 0 parking spaces in lieu of the required 8 spaces for a day care center to be operated at 211 Wise Avenue. The zoning petition was signed by the property owners, Charles W. Walters and Antoinette Waters, and the contract purchasers, yourself and George Krause.

By opinion and Order dated November 19, 1986, then Deputy Commissioner Jean M.H. Jung granted the Petition for Zoning Variance, with restrictions. One of the restrictions stated was, "The site must be utilized as an owner-operated day care center or the variance granted becomes null and void." Unfortunately, the body of the written opinion does not explain why this restriction was imposed and there is no documentation within the case file which relates to the issue. Quite candidly, I am at a loss to explain why the Deputy Commissioner imposed such a requirement; which does not appear to be supported by any information within the file. However, the Zoning Commissioner is empowered by the Baltimore County Zoning Regulations to impose such reasonable restrictions or limitations on the grant of any zoning relief which he/she considers appropriate. Thus, I believe that Deputy Commissioner Jung's restriction is binding, notwithstanding my loss to explain why it was imposed.

Ms. Donna Krause
Creative Learning and Child Care Center, Inc.
211 Wise Avenue
Baltimore, Maryland 21222
page 2.....

As you know, the Order is also silent as to the meaning of the phrase, "owner-operated day care center". In my judgment, this means that the owner of the property must also be the operator of the day care facility. I do not know how that phrase could be construed to mean anything else.

Under that interpretation, it seems clear that a sale of the property to someone other than you and Mr. Krause, or Mr. and Mrs. Waters, would cause the zoning variance relief to be forfeited. That is, it is my view that Deputy Commissioner Jung's decision limits the operation of the day care center to only those individuals identified in the zoning petition.

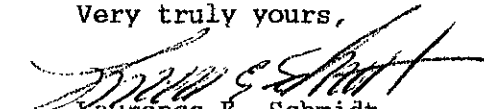
In order to amend this Order and eliminate this restriction, I believe it most appropriate for you to file a Petition for Special Hearing. That Petition should be filed with the Office of Permits and Development Mge. That office is located in the County Office Building at 111 Chesapeake Avenue in Towson. Their phone number is 410-887-3391.

The Petition for Special Hearing process is somewhat similar to the variance procedure. In essence, the Petition for Special Hearing is filed any time a property owner seeks an amendment and/or clarification of a zoning Order or regulation. In this case, it seems appropriate that a Petition for Special Hearing be filed, seeking elimination of that restriction and also to reflect that the facility is now licensed for 90 children and it may have a maximum of 10 employees.

I regret any inconvenience that the filing of the Petition may cause you. Again, although I do not quite understand the rationale for Deputy Commissioner Jung's restriction, I, nonetheless, believe that same is binding and should be amended/eliminated through the proper procedure.

Please do not hesitate to contact me should you have any questions regarding this matter.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

IN RE: PETITION FOR ZONING VARIANCE
SW/S of New Deal Place
100' NW of Midway
(211 Wise Avenue)
12th Election District

Charles W. Walters, et ux

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 87-195-A

* * * * *

The Petitioners herein request a zoning variance to permit zero parking spaces in lieu of the required eight spaces.

Testimony by and on behalf of the Petitioners indicated that the site, currently utilized as a produce market, is improved with a 40' x 95' building, shed, and a 60' x 100' macadam parking lot. Mrs. Donna C. Krause, one of the Contract Purchasers, is educated and experienced as a teacher. He plans to utilize the building as a day care center with a maximum of 80 children, a number that will require 8 employees. The service road in the front is one-way and provides parallel parking on one side and angle parking on the other. By enclosing the entire parking lot with fencing, adequate outdoor play area can be provided for the children. Operating hours will be from 6:30 AM to 6:00 PM, Monday through Friday.

Several area residents, speaking in favor of the subject request, noted that there is an area need for day care. The instant site is an ideal location and additional parking is available on area streets. There were no Protestants.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, it is determined that the variance requested would not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

RECEIVED

JAN 29 1987

BALTIMORE COUNTY
HEALTH DEPARTMENT

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 19th day of November 1986, that the herein request for a variance to permit zero parking spaces, in accordance with Petitioner's Exhibit 2, is hereby GRANTED, subject, however, to the following restrictions:

- 1) The site must be utilized as an owner-operated day care center or the variance granted becomes null and void.
- 2) An adult must escort each child to and from the entrance of the center.
- 3) Employees shall be encouraged to park their vehicles in locations that leave parking spaces nearest the center entrance available for drop-off and pickup of children.

Alan M. H. Young
Deputy Zoning Commissioner
of Baltimore County

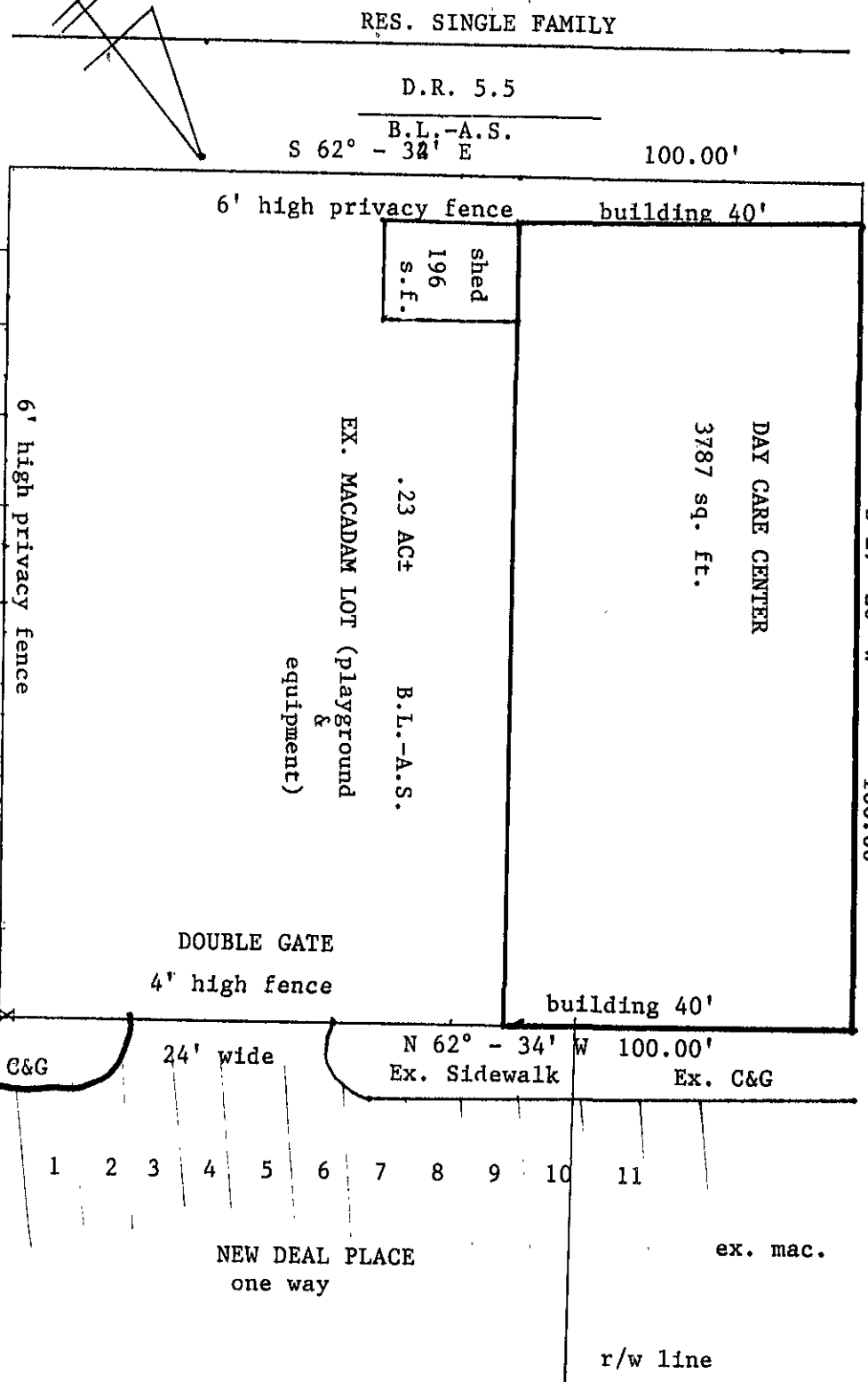
RECEIVED
JAN 29 1987
BALTIMORE COUNTY
HEALTH DEPARTMENT

99.392.SPHA

PLAT TO ACCOMPANY PETITION FOR VARIANCE AND FOR SPECIAL HEARING

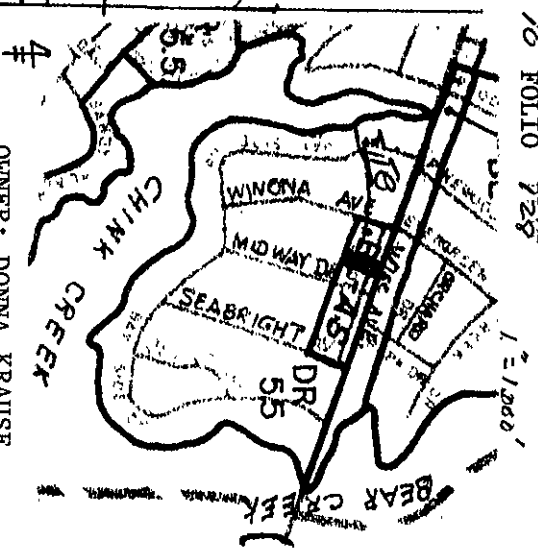
PROPERTY ADDRESS: 211 WISE AVENUE

B.L.-A.S. SUBDIVISION: PLAT OF INVERNESS, BLOCK 1, LOTS: 7-10, PLAT BOOK 10 FOLIO 728
8" block
9 3/4" between building



AREA: 10,000 s.f.
.23 acres
NO. OF EMPLOYEES: 10
PARKING SPACES PROVIDED: 0
PARKING SPACES REQUIRED: 10
VARIANCE PREV. GRANTED: 8

OWNER: DONNA KRAUSE



COUNCILMANIC DISTRICT: 7

ELECTION DISTRICT: 12

WATER & SEWER: PUBLIC

NOT IN CRITICAL AREA

ZONING: B.L.-A.S.

PRIOR ZONING HEARING: 87-195-A

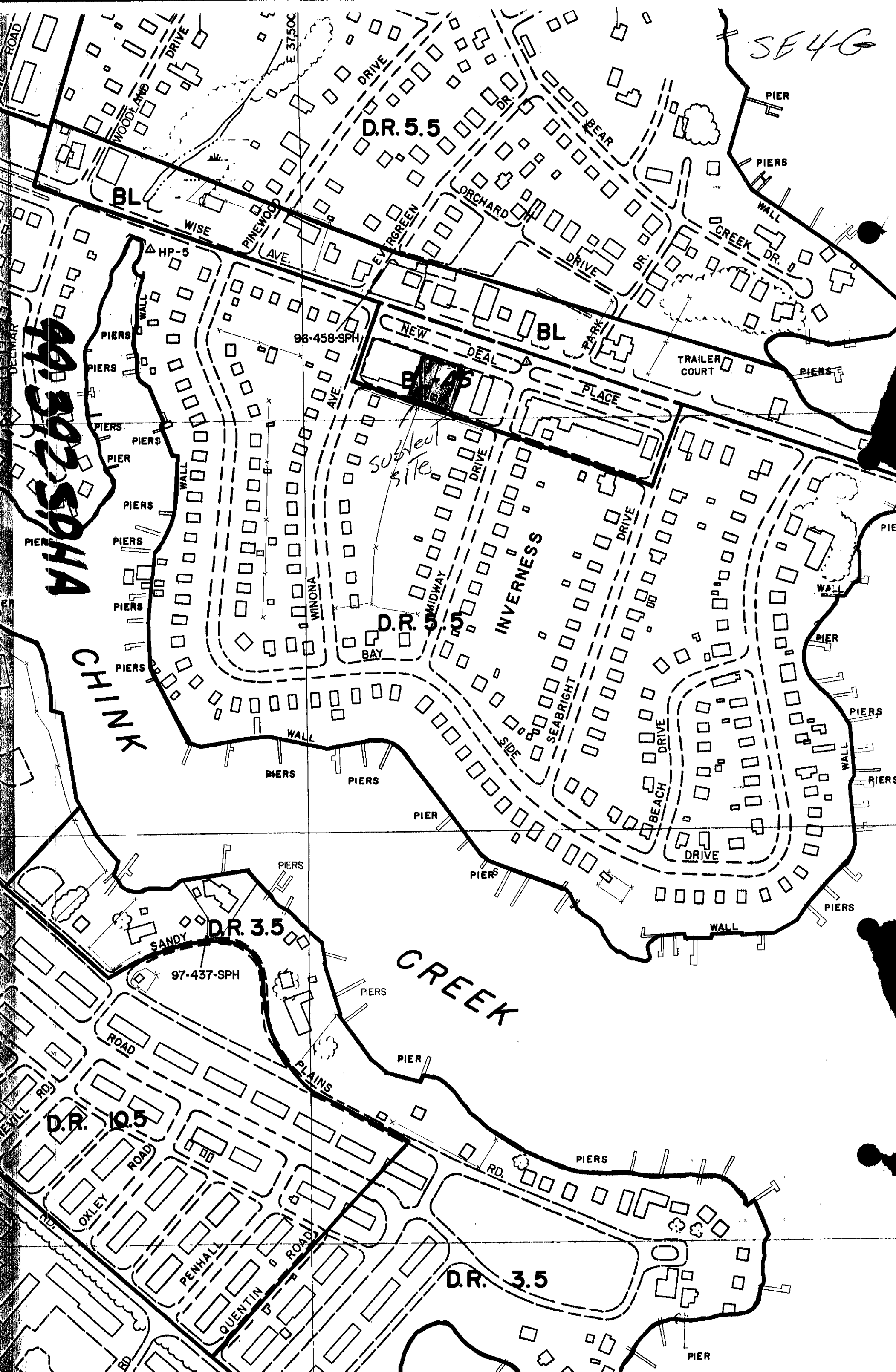
Handwritten signature

SCALE OF DRAWING: 1"=20'

1" = 200' scale map: SEE G-4

SPECIAL HEARING TO AMEND ORDER IN CASE NO. 87-195-A

VARIANCE TO ALLOW 0 PARKING SPACES IN LIEU OF REQUIRED 10 SPACES FOR EMPLOYEES (8 space variance ordered in Case No. 87-195A)



SE4G

D.R. 5.5

BL

99-302 SPHA

CHINK

96-458-SPH

NEW

BL

subject site

D.R. 3.5

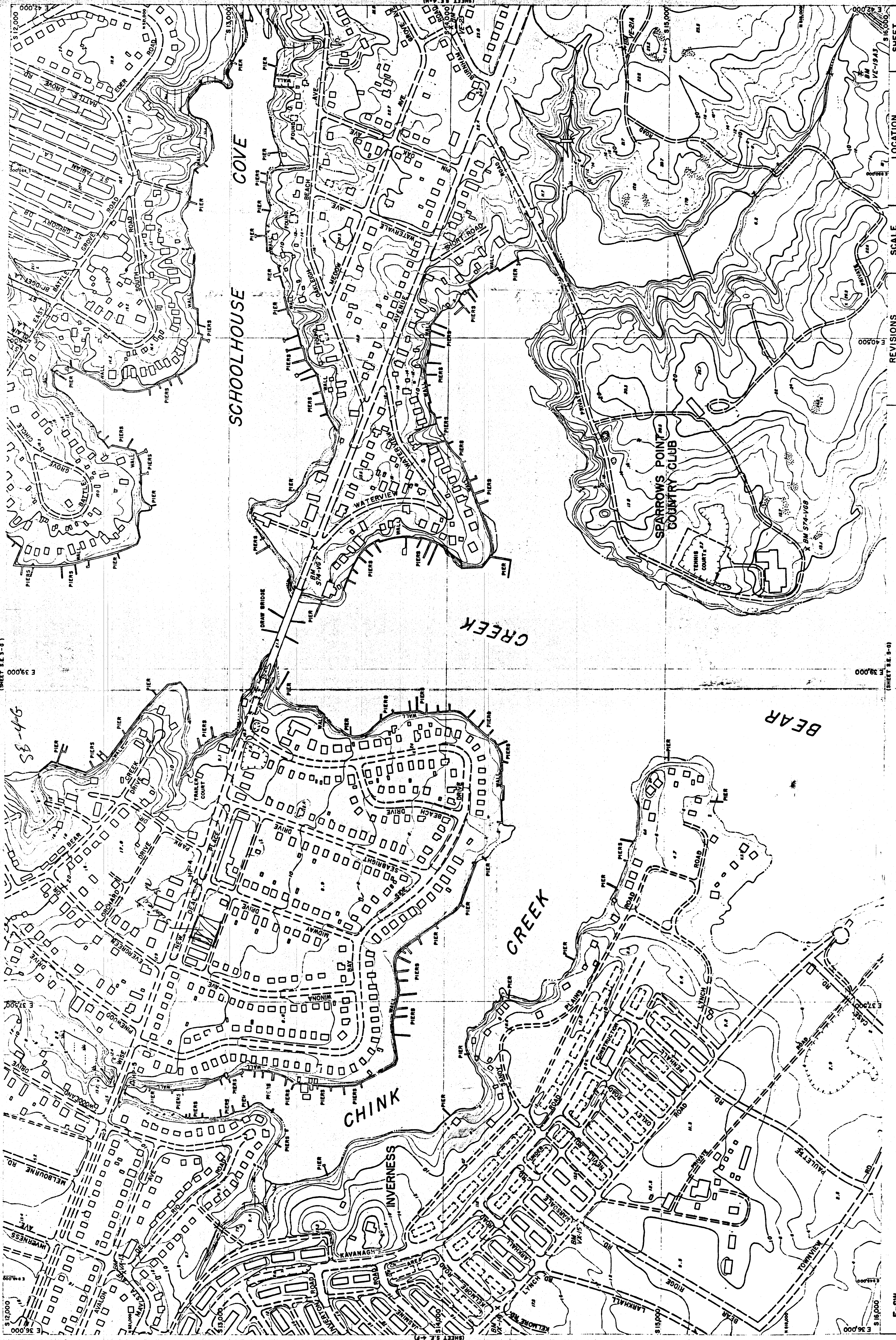
CREEK

D.R. 3.5

97-437-SPH

D.R. 10.5

D.R. 3.5



REVISIONS		SCALE	LOCATION	SHEET
BY	DATE			
		1" = 200'	NORTH POINT INVERNESS	S.E. 4-G
Topography Compiled By Photogrammetric Methods ADAMS AERIAL SURVEY CORP. LANSING MICH.				

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

99-392-SPHA

MICROFILMED

6-19-76